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BEFORE THE ARIZONA CORPORATION COMMISSION

2011 APR 20 P 3:24

AZ CORP COMMISSION
DOCKET CONTROL

Charles Eastwood
PO Box 832
Tolleson AZ 85353
602-717-5397
E-mail: Charley@LocksmithCharley.com
INTERVENER in Pro. Per.

IN THE MATTER OF THE)
APPLICATION OF TELESHERE)
ACCESS LLC FOR APPROVAL OF A)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO PROVIDE RESOLD)
LONG DISTANCE, RESOLD LOCAL)
EXCHANGE, FACILITIES-BASED)
LOCAL EXCHANGE, AND FACILITIES-)
BASED LONG DISTANCE)
TELECOMMUNICATIONS SERVICES IN)
ARIZONA)

DOCKET NO. T-20675A-09-0214

INTERVENER EASTWOOD'S REPLY TO
STAFF'S AND TELESHERE'S
RESPONSE TO MOTION TO INTERVENE

Arizona Corporation Commission

DOCKETED

APR 20 2011

DOCKETED BY

[Signature]

Charles Eastwood hereby appears and replies to Staff's and
Telesphere's responses as follows:

Staff wrote: "While Staff does not oppose granting Mr.
Eastwood's intervention, the ALJ should limit the issues he
presents during the hearing to those that are specifically
relevant to the application that Telesphere filed."

Telesphere's response makes several claims some that are
true, and some that are not.

First "The motion states that Mr. Eastwood has had previous
communications to the commissioners requesting a global rule
change..." This is in fact true and was included in the motion to
illustrate the extent and severity of the problem and a good
solution to the problem.

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1 Second, regarding the "PENDING LAWSUIT" issue. Telesphere
2 has apparently not researched this issue at all. Had they
3 investigated this issue they would have discovered that all
4 "TELCO DEFENDANTS" have been either voluntarily or by court
5 order dismissed out of the Superior Court civil action because
6 only the Arizona Corporation Commission has jurisdiction over
7 utilities. Therefore Telesphere's assertion that I am attempting
8 to use this proceeding to "bolster his position in his lawsuit"
9 is asinine.

10 Both Staff and Telesphere conclude that Mr. Eastwood's
11 intervention would "unduly broaden" the proceeding and that Mr.
12 Eastwood is not "substantially affected by the proceeding".

13 Intervener Eastwood would like to bring to Staff's,
14 Telesphere's and this Commission's attention that the document
15 <http://images.edocket.azcc.gov/docketpdf/0000097389.pdf>
16 (attached as "EXHIBIT B") at page 32 has eight paragraphs
17 discussing "Directory Listings" including but not limited to:

18 ***"2.25.4 Listings must conform to the Company's***
19 ***specifications with respect to the directories. The company***
20 ***reserves the right to reject listings when in, its sole***
21 ***judgment, such listings would violate the integrity of company***
22 ***records and the directories, confuse individuals using the***
23 ***directory, or when the customer cannot provide satisfactory***
24 ***evidence that customer is authorized to do business as***
25 ***requested."***

26 Just this paragraph alone raises several problems,
27 including but not limited to "in its sole judgment" would appear
28 to make applicant Telesphere immune from oversight by this
Commission, the courts, or anyone else.

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1 The language "**such listings would violate the integrity of**
2 **company records and the directories, confuse individuals using**
3 **the directory, or when the customer cannot provide satisfactory**
4 **evidence that customer is authorized to do business as**
5 **requested."** is precisely within the scope of the application and
6 precisely at the root of the nature of my complaint and request
7 for their tariff (or at least section 2.25) be rejected in its
8 entirety with direction that it be re-written in a manner that
9 would be consistent with the concepts that (A) Telesphere should
10 not be permitted to provide to anyone the ability to publish a
11 trade name or company name that has not been filed either with
12 the Commission or the Secretary of State; and (B) Telesphere
13 should not be permitted to provide to anyone the ability to
14 publish any address where the end-user customer does not have
15 wired service or provided a title deed or a verifiable rental or
16 lease agreement proving some legal connection with said address.

17 As part of my dismissal agreement involving **360 NETWORKS**
18 I was provided with what I will call the "360 EXHIBIT". This
19 document, because of its extensive length is being provided to
20 the commission in the form of a CD and may also be viewed online
21 at <http://thelocksmithpolice.com/exhibits/360-Exhibit.pdf>

22 This exhibit documents some 100 telephone numbers that
23 Telesphere (or its parent corporation) has provided to customers
24 purporting to be legitimate locksmith companies at specific
25 addresses when in fact many of the names they are using are
26 bogus and many, if not all, of the addresses are either non-
27 existent or devoid of any locksmith business.

28 **INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPHERE'S**
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1 Telesphere has thus already demonstrated their propensity
2 to permit and conspire with rogue companies to utilize
3 Telesphere's company to commit countless criminal and "Unlawful
4 Business Practice" acts in clear violation of A.R.S. §44-1221.

5 Since the Superior Court has already decided that the
6 Arizona Corporation Commission is the only entity in the State
7 of Arizona empowered to regulate telecommunication companies it
8 is incumbent upon this Commission to force telecommunication
9 companies choosing to operate within Arizona to operate in a
10 manner consistent with Arizona state law and not to empower
11 their customers to engage in voluminous violations of that law.

12 As I stated in my original motion:

13 44-1221. Deceptive use of name; classification; attorney general

14 A. It is unlawful for a person to deceive another person by
15 misrepresenting the geographical origin or location of the
16 person's business in the conduct of the person's business.

17 B. A person who intentionally or knowingly violates subsection A
18 of this section is guilty of a **class 2 misdemeanor**.

19 C. An act or practice in violation of this section is an
20 **unlawful practice under section 44-1522** and subject to
21 enforcement through private action and prosecution by the
22 attorney general. The attorney general may investigate and take
23 appropriate action as prescribed by chapter 10, article 7 of
24 this title.

25 Since the very invention of telephones and following
26 expansion of the nationwide / worldwide telephone system the
27 publication of "Directory Listings" has been a necessary and
28 integral part of communications. Without these listings no one
would ever be able to find anyone else. Indeed since the subject
takes up an entire page of Telesphere's proposed Tariff, clearly
the subject matter is relevant and that therefore this motion
"unduly broadens" nothing.

INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPIHERE'S

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1 Intervener Eastwood's assertions and requests that the
2 commission take immediate action requiring changes to applicant
3 Telesphere's Tariff before becoming licensed is reasonable,
4 prudent, rational, and necessary. Intervener Eastwood's
5 assertions and requests for the commission to take remedial
6 action to make these concepts apply to every other Telco carrier
7 operating in the State of Arizona is also reasonable and
8 prudent, but the fact that Intervener Eastwood has made such
9 requests of the commission before is not relevant to the ALJ's
10 consideration of those issues in this hearing.

11 INTERVENER EASTWOOD would request that his motion to
12 intervene be granted and that the ALJ authorize the issuance of
13 a Subpoena Duces Tecum (or other order to produce documents) to
14 Telesphere and Telesphere's parent company that would require
15 the production of Telesphere's records of all listings to all
16 "locksmith" companies that they provide service to, whether
17 listed in the 360-Exhibit or not, together with the customer's
18 actual company name, contact person, customer's actual billing
19 address, as well as the listed address for each telephone number
20 they are providing to these "locksmith" companies. INTERVENER
21 EASTWOOD would further request that the hearing on this matter
22 be continued until 30 to 60 days after the production of the
23 requested documents so that INTERVENER EASTWOOD would have the
24 ability to thoroughly inspect the information, process the data,
25 and provide a relevant exhibit to the Commission / ALJ do
26 demonstrate the actual scope of the saturation of phony
27 listings.

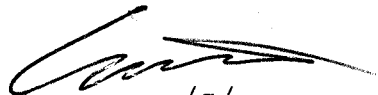
28 **INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPIHERE'S
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1 Applicant Telesphere contends that INTERVENER EASTWOOD is
2 not **"a person... who are directly and substantially affected by**
3 **the proceeding"**. INTERVENER EASTWOOD contends that every
4 locksmith and every consumer of locksmith services in Arizona
5 are all **"directly and substantially affected by"** companies that
6 facilitate and conspire with customers that criminally and
7 civilly violate state laws to an extent that the listings of
8 telephone numbers in print, on the internet, and in 411
9 directory operator services become so saturated and polluted
10 with numbers associated with bogus company names and phony
11 addresses being answered by call centers frequently outside
12 Arizona that the locksmiths are essentially put out of business
13 and the consumers become so confused that they don't know who
14 they're calling.

15 INTERVENER EASTWOOD is attaching the "TELESPHERE ACCESS LLC
16 - ARIZONA CC TARIFF NO. 1 - ORIGINAL SHEET #16 and has marked
17 this document as "EXHIBIT B" for identification and incorporates
18 it by reference as if fully restated herein.

19 INTERVENER EASTWOOD is attaching a compact disc containing
20 the file 360-Exhibit.pdf and incorporates it by reference as if
21 fully restated herein.

22 Respectfully Submitted on 4/18/2011



/s/
CHARLES EASTWOOD
INTERVENER

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28 **INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPHERE'S
RESPONSE TO MOTION TO INTERVENE**

1 Copies of the foregoing mailed/delivered/e-mailed
2 This 18th day of APRIL 2011 to:

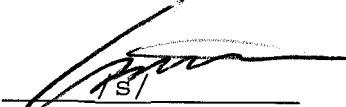
3 ORIGINAL AND 13 copies to
4 DOCKET CONTROL
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix AZ 85007-2927

8 Kristopher Twomey
9 By e-mail to: kris@lokt.net
10 TELESPHERE ACCESS, LLC
11 1725 I Street, N.W., Suite 300
12 Washington, DC 20006

13 Michael Targett, Legal Counsel
14 By e-mail to: mtargett@clo-solutions.com
15 193 8 43rd Avenue East
16 Seattle, WA 98112

17 Bradley S. Carroll
18 One Arizona Center
19 400 E. Van Buren
20 Phoenix AZ 85004-2202

21 By:

22 
23 Charles Eastwood
24 Intervenor
25
26
27

28 INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPHERE'S
RESPONSE TO MOTION TO INTERVENE

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11 **"EXHIBIT B"**
12

13 Follows starting on next page for 1 page
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28 INTERVENER EASTWOOD'S REPLY TO STAFF'S AND TELESPHERE'S
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TELECOMMUNICATIONS SERVICES

SECTION 2 - RULES AND REGULATIONS (cont'd)

2.25 Directory Listings

2.25.1 The Company does not publish a directory of Customer listings. The Company, however, does arrange for the Customer's main billing number to be placed in the directory or directories of the incumbent local exchange carrier.

2.25.2 The rates and regulations specified herein for directory listings apply only to the alphabetical section of the directory. Listings are intended solely for the purpose of identifying Customer's telephone number and as an aid to the use of telephone service.

2.25.3 The listings of Customers, either without charge or at the rate specified within this tariff for other listings are arranged alphabetically and are not intended for special prominence of arrangement. In accepting listings as requested by Customers or prospective customers, the Company will not be a party to controversies between Customer as a result of the publication of such listings in the directories.

2.25.4 Listings must conform to the Company's specifications with respect to the directories. The Company reserves the right to reject listings when in, its sole judgment, such listings would violate the integrity of company records and the directories, confuse individuals using the directory, or when the Customer cannot provide satisfactory evidence that Customer is authorized to do business as requested.

2.25.5 The Company reserves the right to limit the length of any listing to one line in the directory by use of abbreviations when, in its sole judgment, the clarity of the listing and the identification of the Customer is not impaired.

2.25.6 Generally, the listed address is the location of the Customer's place of business or residence.

2.25.7 Liability of the Company due to directory errors and omissions is as specified in Section 2 of this tariff.

2.25.8 Generally, a business listing consists of a name or dual name, a designation descriptive of the Customer's business if not self-explanatory, the address, and the business telephone number. The main listing is ordinarily the name of the individual, firm or corporation which contracts for the service or the name under which a business is regularly conducted.

"EXHIBIT B"

Issued: April XX, 2009

Effective: May XX, 2009

By: Linda Allen, Chief Financial Officer
Telesphere Access, LLC
9237 East Via Ventura, Suite 250
Scottsdale, AZ 85258
Phone: 408-385-7000 Fax: 408-385-7007

Phone#	Listed name	Address	City	Telco
480-621-3839	Twenty Four Seven Locksmith	885 N. 54th S.	Chandler	T
480-621-3840	Emergency Locksmith	1505 E. Warner Rd	Gilbert	T
480-621-3841	Twenty Four Seven Locksmith	4032 N. Scottsdale Rd	Scottsdale	T
480-621-3842	Lock & Key	32421 N. Scottsdale Rd	Scottsdale	T
480-621-3843	Emergency Locksmith	15029 N. Thompson Peak	Scottsdale	T
480-621-3844	Emergency Locksmith	1939 S. Val Vista	Mesa	T
480-621-3845	Twenty Four Seven Locksmith	3161 W. Chandler Blvd.	Chandler	T
480-621-3846	Twenty Four Seven Locksmith	1085 W. Queen Creek Rd	Chandler	T
480-621-3848	Wide Emergency Locksmith	430 S. Mill Ave	Tempe	T
480-621-3849	Lock & Key	5000 S. Arizona Mills Circle	Tempe	T
480-621-3850	Lock & Key	2080 S. Power Rd	Mesa	T
480-621-3851	Wide Emergency Locksmith	1817 E. Guadalupe Rd	Tempe	T
480-621-3852	Wide Emergency Locksmith	985 W. Elliot Rd	Chandler	T
480-621-3853	Wide Emergency Locksmith	1653 S. Dobson Rd.	Mesa	T
480-621-3854	Hour Emergency Locksmith	1900 W. Chandler Blvd	Chandler	T
480-621-3855	Wide Emergency Locksmith	7014 E. Camelback Rd.	Scottsdale	T
480-621-3856	Hour Emergency Locksmith	16425 E. Palisades Blvd	Fountain Hills	T
480-621-3857	First AA Twenty Four Hour Locksmith	7001 N. Scottsdale Rd.	Scottsdale	T
480-621-3858	**Missing Exhibit*			T
480-621-3859	First AA Twenty Four Hour Emergency Locksmith	5156 S. Rural Rd.	Tempe	T
480-621-3860	Locksmith	871 W. University Dr.	Tempe	T
480-621-3861	First AA Twenty Four Hour Emergency Locksmith	2832 N. Power Rd.	Mesa	T
480-621-3862	Emergency Locksmith	1158 W. Washington St	Tempe	T
480-621-3863	States Emergency Locksmith	2050 N. Dobson Rd.	Chandler	T
480-621-3864	Emergency Locksmith	10135 E. Via Linda	Scottsdale	T
480-621-3865	Emergency Locksmith	3300 N. Hayden Rd.	Scottsdale	T
480-621-3866	A One Locksmith Scottsdale	1402 N. Miller Rd	Scottsdale	T
480-621-3867	First AA Twenty Four Hour Emergency Locksmith	1395 S. Arizona Ave	Chandler	T
480-621-3868	Mesa Mobil Locksmith	3550 E. Southern Ave	Mesa	T
480-621-3869	A One Locksmith Mobile Scottsdale	1402 N. Miller Rd.	Mesa	T
480-621-3870	Frankie Lock and Key	4970 S. Gilbert Rd	Chandler	T
480-621-3871	Emergency Locksmith	9301 E. Shea Blvd	Scottsdale	T
480-621-3872	Emergency Locksmith	1402 N. Miller Rd.	Scottsdale	T
480-621-3874	Lock & Key	1620 W. Elliot Rd.	Tempe	T
480-621-3875	Emergency Locksmith	1211 N. Miller Rd.	Scottsdale	T
480-621-3876	Wide Emergency Locksmith	8912 E. Pinnacle Peak Rd.	Scottsdale	T

480-621-3877 Lock and Key Mobile Locksmith
 480-621-3878 Lock & Key Mobile Locksmith Tempe
 480-621-3879 First AA Twenty Four Hour Emergency Locksmith
 480-621-3880 Lock and Key
 480-621-3881 Plus Locksmith Mesa
 480-621-3882 Mobile Locksmith
 480-621-3883 "Missing Exhibit"
 480-621-3884 Lock and Key
 480-621-3885 Emergency Locksmith
 480-621-3886 Locksmith
 480-621-3887 Lock and Key
 480-621-3839 ASAP Locksmith
 480-621-3940 Twenty Four Seven Paradise Valley Locksmith
 480-621-3941 Twentyfour Hour Locksmith
 480-621-3942 AAA Locksmith Twentyfour Hour
 480-621-3943 Locksmith Service
 480-621-3944 Twentyfour Seven Scottsdale Locksmith
 480-621-3945 ASAP Locksmith
 480-628-6082 ASAP Locksmith Twenty Four Seven
 602-386-3251 ASAP Locksmith Twenty Four Seven
 602-386-3268 Twenty Four Hour Locksmith
 602-386-3726 A Plus Mobile Locksmith
 602-386-3728 Twenty Four Hour Emergency Locksmith
 602-386-3729 Emergency Locksmith
 602-386-3730 Lock and Key
 602-386-3731 "Missing Exhibit"
 602-386-3732 Plus Locksmith
 602-386-3733 First AA Twenty Four Hour Locksmith Phoenix
 602-386-3734 Wide Emergency Locksmith
 602-386-3735 Plus Valley Wide Emergency Locksmith
 602-386-3736 Plus Valley Wide Emergency Locksmith
 602-386-3737 Lock and Key
 602-386-3738 First AA Twenty Four Hour Emergency Locksmith
 602-386-3739 First AA Twenty Four Hour Emergency Locksmith
 602-386-3740 Plus Mobile Locksmith
 602-386-3741 First AA Twenty Four Hour Emergency Locksmith
 602-386-3742 Aa 24 Hour Emergency Locksmith

1457 W. Southern Ave.	Mesa	T
3223 S. McClintock Dr.	Tempe	T
16515 E. Shea Blvd.	Fountain Hills	T
4972 S. Power Rd.	Mesa	T
1705 S. Greenfield Rd	Mesa	T
4030 W. Ray Rd.	Chandler	T
23535 N. Scottsdale Rd.	Scottsdale	T
15768 N. Frank Lloyd Wright Blvd	Scottsdale	T
7745 E. Redfield Rd.	Scottsdale	T
3765 S. Gilbert Rd	Gilbert	T
16726 E. El Pueblo Blvd.	Fountain Hills	T
7000 N. Tatum Blvd.	Paradise Valley	T
5841 E. Lincoln Dr.	Paradise Valley	T
6100 E. McDonald Dr	Paradise Valley	T
7500 E. Doubletree Ranch Rd	Scottsdale	T
8456 E. Chapparral Rd.	Scottsdale	T
7333 N. Via Paseo Del Sur	Scottsdale	T
600 S. Dobson Rd.	Chandler	T
6166 N. Scottsdale Rd	Scottsdale	T
6718 E. Cave Creek Rd	Cave Creek	T
4815 E. Carefree Hwy	Cave Creek	T
1861 E. Camelback Rd.	Phoenix	T
4340 E. Indian School Rd.	Phoenix	T
201 E. Jefferson St.	Phoenix	T
3110 N. Central Ave	Phoenix	T
15054 N. Scottsdale Rd	Scottsdale	T
4747 E. Bell Rd.	Phoenix	T
13240 N. 7th St.	Phoenix	T
530 E. McDowell Rd.	Phoenix	T
4400 N. Scottsdale Rd.	Scottsdale	T
2425 E. Camelback Rd.	Phoenix	T
1641 E. Camelback Rd.	Phoenix	T
8809 E. Mountain View Rd.	Scottsdale	T
1820 W. Northern Ave.	Phoenix	T
455 N. 3rd St	Phoenix	T

602-386-3743	Wide Emergency Locksmith Phoenix	1801 E. Bethany Home Rd	Phoenix	T
602-386-3744	Plue Locksmith Lock and Key	5150 W. Baseline Rd.	Phoenix	T
602-386-3745	First AA Twenty Four Hour Emergency Locksmith	8840 W. Bell Rd.	Peoria	T
602-386-3746	Twenty Four Seven Locksmith	4010 E. Greenway Rd.	Phoenix	T
602-386-3747	Zero Zero Twenty Four Hour Emergency Locksmith	2735 S. 99th Ave.	Tolleson	T
602-386-3748	Twenty Four Hour Emergency Locksmith	2501 W. Happy Valley Rd.	Phoenix	T
602-386-3749	AA Twenty Four Hour Emergency Locksmith	701 W. McDowell Rd.	Phoenix	T
602-386-3750	Emergency Locksmith	2815 N. 91st Ave	Phoenix	T
602-386-3751	AA Twenty Four Hour Emergency Locksmith Phoenix	2340 E. Baseline Rd.	Phoenix	T
602-386-3752	A Plus Twenty Four Hour Emergency Locksmith Phoenix	5344 N. 7th Ave	Phoenix	T
602-386-3753	Plux Phoenix Mobile Locksmith	4605 E. Chandler Blvd.	Phoenix	T
602-386-3754	Lock and Key	7000 E. Mayo Blvd	Phoenix	T
602-386-3755	First Mobile Locksmith	3320 W. Bethany Home Rd.	Phoenix	T
602-386-3756	Twenty Four Seven Locksmith	275 E. Bell Rd.	Phoenix	T
602-386-3757	Locksmith By Atlas	4123 W. Thunderbird Rd.	Phoenix	T
602-386-3758	Day Locksmith	2815 W. Peoria Ave.	Phoenix	T
602-386-3759	Plus Mobile Locksmith	3318 E. Bell Rd.	Phoenix	T
602-386-3760	Twenty Four Hour Emergency Locksmith	1610 N. 75th Ave.	Phoenix	T
602-386-3761	Wide Emergency Locksmith	5557 N. 7th Ave.	Phoenix	T
602-386-3762	Phoenix	21050 N. Tatum Blvd.	Phoenix	T
602-386-3763	Locksmith	9925 W. Camelback Rd.	Phoenix	T
602-386-3764	Mobile Locksmith	21050 N. Tatum Blvd.	Phoenix	T
602-386-3773	Lock	402 S. Central Ave	Phoenix	T